

## Civil Action Group dba APS International, Ltd.



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[www.CivilActionGroup.com](http://www.CivilActionGroup.com)

TRANSMISSION DATE: November 08, 2007

TO: Ms. Jaclyn Verducci

FROM: Josh Cobb  
JCobb@CivilActionGroup.com

Subject: Service in Malaysia

The following material is 6 pages including the cover sheet. If you do not receive any of these pages, please call the above named sender at (952) 831-7776.

### COMMENTS:

**Thank you for contacting APS International and the Civil Action Group for your international service of process needs. The information you have requested follows.**

#### Other available services:

- Business, Contract & Patent translations
- Medical or Private records retrieval
- Deposition Scheduling worldwide
- Transcriptions (including foreign language tapes)
- Investigations and Surveillance
- and many more...

**Online Ordering of all services is available at our website.**

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Attn: Ms. Jaclyn Verducci  
COTCHETT, PITRE, ET AL  
840 Malcolm Rd., Ste. 180  
Burlingame, CA 94010

RE: Service of process in Malaysia.

Dear Ms. Verducci:

Thank you for contacting APS. We've served tens of thousands of documents abroad and are more than willing to assist you with serving process in Malaysia. APS has been handling international service of process requests since 1981. Our experience tells us that foreign governments, laws and treaties are changing all the time. Since we handle such a large volume of requests, we are usually one of the first entities to know about these changes.

Please read the following bolded section carefully. It provides information on current events which may affect service.

**Compliance of the foreign officials and timeframe for service via letter rogatory is unknown. APS will do follow-ups only for the first two years after submission to the State Department.**

Malaysia is not party to any international treaty with respect to service of process. The diplomatic method of service is pursuant to Letters Rogatory (28 U.S.C. 1781 (a)(2); F.R.C.P. 4(f)(2)(B)). A letter rogatory ("LR") is a formal request from a U.S. court to a foreign court asking for judicial assistance. There is a specific format and process that must be followed. An alternative method for service of process is outlined below.

The entire Letters Rogatory process normally takes 6 - 12 months or longer for service in Malaysia. If the action is pending in state court, APS recommends obtaining an extension from your trial judge, so that a minimum of 365 days are available to the foreign government for completing service. Expedited in-house processing is available for an additional fee.

In order that we may begin processing your request, please send the following:

**COVER LETTER** - Please include all of the following:

- the requested service(s) of APS (e.g., LR or Alternative Service, translations, investigation);
- the name and street address of the defendant(s) to be served – note: If you do not have a valid address, APS has investigators around the world and can assist you;
- any court imposed deadlines relating to service of process;

**TWO COURT-CERTIFIED AND TWO PHOTOCOPIES OF YOUR DOCUMENTS FOR SERVICE, PER SERVE**- Summons, Complaint, Exhibits and any other court-required attachments.

**PAYMENT** - The following fees represent our standard charges. Since APS operates on a prepaid basis, please be aware that no processing can begin before payment is received.

<b>Letters Rogatory Service</b> .....	\$525.00
(each add'l service request in the same country).....	\$275.00
Additional Fee imposed by the US State Department (per service request).....	\$735.00

**Informal Service**

**If you don't have time to attempt "Formal" service via Letters Rogatory** (or for any other reason), service of process may also be pursued in Malaysia via a private process server. APS has many such process servers throughout Malaysia. It is important to note that this method may not comply with the notice requirements of Malaysia, which could preclude you from enforcing a U.S. judgment within Malaysia. It could also result in a challenge by the defendant and a Motion to Dismiss your action. This method is only mentioned as a secondary means of providing service on an expedited basis.

In order for us to process your "**Informal**" request, we would ask for the following:

- (1) a cover letter as described above;
- (2) two copies of the documents for service;
- (3) a court order appointing APS as your process server [samples attached]; and
- (4) a check in the amount of \$1,960.00, \$980 per each additional defendant at same address.

This is a base fee for service in major metropolitan areas. If your defendant is located outside the metropolitan area, additional fees may be necessary for travel expenses. Informal service normally takes six to nine weeks, however, this can be expedited for additional fees. **If you chose "informal" service and the case is pending in state court, send us a copy of your court's service of process rule(s) under which you require APS to complete service.**

APS never recommends informal service (private server), however, if you have to use that method for any reason, we strongly recommend that it be in conjunction with formal service pursuant to Letters Rogatory.

Pursuing service on a defendant in a foreign country is a serious undertaking. Let APS help you cut through the red-tape and confusion. We can do all the work for you and let you focus on the other aspects of the litigation. With U.S. courts pushing for quicker turn-around times and setting increasingly shorter deadlines, every day makes a difference. We know what the foreign governments will and will not allow. If necessary, APS can provide affidavits to assist you with a motion to counter any court-imposed time constraints that cannot be reasonably met.

If you have any further questions regarding this matter, please do not hesitate to call.

Sincerely,

Josh Cobb  
JCobb@CivilActionGroup.com  
International Division

## PLEASE RETURN THIS PAGE TO APS WITH YOUR REQUEST

Date of Fee Quote: November 08, 2007

APSFile: 251003-5

Attn: Ms. Jaclyn Verducci  
COTCHETT, PITRE, ET AL  
840 Malcolm Rd., Ste. 180  
Burlingame, CA 94010

Your File #: \_\_\_\_\_

Case Name: \_\_\_\_\_

Country: Malaysia

### **Important Considerations:**

1. Please make your instruction letter to us as detailed as possible.
2. Be sure to include any time constraints or statutory requirements specific to your court.
3. Make sure to enclose the appropriate number of copies of all documents for service.
4. Remember, APS is a prepaid service. We will not begin the processing of your request until the required fees are paid in advance.

**For specific instructions regarding our requirements, please refer to the preceding pages...**

or you may call me toll free at 1-800-328-7171 - ext: 338

Josh Cobb  
JCobb@CivilActionGroup.com  
APS International Division  
7800 Glenroy Road  
Minneapolis, MN 55439-3122

## SAMPLE ORDER

### COURT CAPTION

A, B, C	)	CASE NUMBER:
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	ORDER TO APPOINT
X, Y, Z	)	SPECIAL PROCESS SERVICE
	)	
Defendants.	)	
_____	)	

IT IS HEREBY ORDERED,

that APS International, Ltd., including its designated agents, is appointed and authorized to effect service of process on the defendant, (insert name of defendant(s)), in Country. Service shall be effected according to any internationally agreed means, the laws of the foreign country, or as directed by the foreign authority or the originating court if not otherwise prohibited by international agreement or the laws of the foreign country, and in a manner reasonably calculated to give notice.

Dated: \_\_\_\_\_  
JUDGE